



16711

Policy Letter No. 02-02

From: Commandant

To: Distribution

**FEB 15 2002**

Subj: FIXED PLATFORM INSPECTION PROGRAM

Ref: (a) Title 43 U.S.C. 1331, *et seq.* – Outer Continental Shelf Lands Act  
(b) Title 33 C.F.R. Chapter I, Subchapter N – Outer Continental Shelf Activities  
(c) Memorandum of Understanding between The Minerals Management Service and The United States Coast Guard

1. On February 7, 2002, the Final Rule titled "Inspection Under, and Enforcement of, Coast Guard Regulations for Fixed Facilities on the Outer Continental Shelf (OCS) by the Minerals Management Service (MMS)" was published. Per reference (a), the Coast Guard is required to conduct annual inspections on facilities engaged in OCS activity. Reference (a) also authorizes the Coast Guard to utilize another Federal agency for the enforcement of Coast Guard regulations on the OCS. This Final Rule grants MMS the authority to act on behalf of the Coast Guard to perform inspections on fixed OCS facilities in order to ensure compliance with reference (b). This policy letter is promulgated to provide guidance and to clarify the MMS and Coast Guard responsibilities with respect to the fixed platform inspection program. The final rule becomes effective on June 7, 2002.

2. In accordance with reference (b), a fixed OCS facility is a bottom-founded facility permanently attached to the seabed or subsoil of the OCS. Reference (b) defines OCS as all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in 43 U.S.C 1301(a) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control. Thus, the Coast Guard has jurisdiction over fixed platforms in waters beyond the seaward limits of state waters. Fixed platforms located in state waters are not subject to Coast Guard inspection and are not included in this program.

3. Reference (b) requires owners and operators of fixed OCS platforms to annually conduct a self-inspection on each facility. These offshore platforms are also subject to scheduled and unscheduled spot-check inspections. Under this new rulemaking, MMS will administer the fixed platform inspection program on behalf of the Coast Guard to ensure compliance with the regulations in reference (b). Thus, MMS shall oversee the self-inspection program and conduct spot-check inspections on fixed OCS platforms. However, the Coast Guard will continue to conduct initial inspections on newly constructed fixed OCS platforms. The initial inspection process remains unchanged as shown in enclosure (1). As specified in reference (b) and (c), the Coast Guard will also retain the investigation responsibilities for all incidents related to OCS activities.

4. District Marine Safety Division Chiefs and Commanding Officers of Marine Safety Offices and Marine Safety Units that have fixed platforms in their area of responsibility shall ensure compliance with the provisions of this policy and the applicable Coast Guard regulations.

5. The following frequently asked questions (FAQs) are provided for guidance and to clarify the Coast Guard's role with respect to the fixed platform inspection program.

Q. Does MMS assume all of the Coast Guard's inspection responsibilities for fixed platforms located on the OCS?

A. No. The Coast Guard shall conduct initial inspections on newly constructed platforms before turning them over to MMS. This process is detailed in enclosure (1). Since MMS is acting on the Coast Guard's behalf, there is nothing to prevent a Coast Guard inspector from conducting a spot check inspection on a fixed platform at any time or concurrently with other OCS inspection activities. For documentation purposes, the Coast Guard shall forward the results of all spot check inspections (regardless of the findings) to the appropriate MMS office. If the Coast Guard issues a CG-835 during a spot check inspection, the inspector shall ensure the owner/operator corrects the deficiency within a reasonable time frame (generally no more than 30 days).

Q. What is the Coast Guard's role in the case of a marine casualty or investigation on a fixed platform located on the OCS?

A. The jurisdiction for investigations on fixed platforms located on the OCS is specified in the Memorandum of Understanding (MOU) between the MMS and the USCG. Where the USCG and MMS have overlapping responsibilities, the agencies shall work together to minimize or eliminate the duplication of efforts. However, the Coast Guard shall be the lead investigative agency for the incidents listed in 33 CFR 140.201. All investigations shall be conducted in accordance with 46 CFR Part 4 and documented in the Marine Information for Safety and Law Enforcement (MISLE) database.

Q. Where do the facility operators submit annual Self-Inspection Reports (CG-5432)?

A. Facility owners and operators no longer need to submit Self-Inspection Reports (CG-5432) to the Coast Guard or MMS. Instead, the operator shall conduct the required self-inspection annually and retain a copy of the CG-5432 on board the facility. At a minimum, the two (2) most recent Self-Inspection Reports shall be retained on board. MMS inspectors shall verify that the CG-5432 has been completed during their annual inspection of each facility. They shall also use the CG-5432 to compare inspection findings and ensure that any noted deficiencies are being or have been corrected. In instances where the CG-5432 cannot be retained on board (unmanned facilities with no living quarters), a copy may be retained at an alternate location convenient to the operator. Upon request, the facility operator shall provide copies of any CG-5432's to the USCG or MMS.

Q. How are appeals of regulatory actions and resultant penalties processed?

A. Appeals of regulatory actions and resultant penalties shall be processed exclusively by the issuing agency (MMS or USCG) in accordance with the issuing agency's appeal process.

Q. How do the MMS inspectors properly identify and document noted deficiencies during a fixed platform inspection?

A. Initially, Coast Guard personnel shall provide training (classroom and OJT) to MMS inspectors on how to conduct a fixed platform inspection. MMS, in consultation with the Coast Guard, has developed a list of Potential Incidents of Noncompliance (PINC) that includes the inspection items listed on the CG-5432. MMS inspectors shall use the PINC checklist together with the facility's completed CG-5432 to ensure compliance with USCG Regulations. MMS inspectors shall issue an Incident of Noncompliance (INC) to the owner/operator for any deficiencies that can't be corrected during the course of the inspection. INCs may include a Warning, a Component Shut-in, or a Platform Shut-in, depending on the severity of the deficiency and the safety hazard that it creates. MMS shall track and verify that all outstanding deficiencies are corrected within a reasonable timeframe (generally no more than 30 days). Noted deficiencies that are corrected during the course of the inspection shall be documented by MMS.

Q. How are platform inspection activities (initial inspections, spot-check inspections and self-inspections) documented and tracked?

A. MMS shall document and track all spot-check inspections, self-inspections and deficiencies using a database similar to MISLE. The Coast Guard shall continue to document all initial inspections and OCS investigations using MISLE. After the Coast Guard completes and documents an initial inspection on a new platform, the platform documentation (including the CG-4143 "Application for Class I Aids to Navigation") and inspection results shall be forwarded to the appropriate MMS office so it can be entered into the MMS database. The Coast Guard shall ensure that all deficiencies are corrected before turning the platform over to MMS.

Q. What type of access will the Coast Guard have to fixed platform inspection data?

A. MMS and the Coast Guard will work closely to develop a reporting system that will generate queries and reports tailored to Coast Guard needs and requirements. In the long-term, the Coast Guard will have read only access to all fixed platform inspection data and reports through a web-based system administered by MMS. This will also allow the Coast Guard to measure the effectiveness of the platform inspection program.

Q. How will variances or exemptions from the required fire-fighting equipment and lifesaving appliances be handled? (Example: A manned platform fire pump becomes inoperable. What options are available during the repair or replacement of the fire pump without disrupting platform operations?)

A. MMS shall consult with the local OCMI to determine suitable options, temporary measures or restrictions during the repair or replacement of required fire-fighting equipment and lifesaving appliances. MMS shall initiate this process with the local OCMI. In cases where the owner/operator contacts the Coast Guard directly, MMS shall be notified immediately.

Q. How does this affect the approval process for equipment used on fixed offshore facilities (fire-fighting, lifesaving, electrical)?


A. The Coast Guard shall continue to approve equipment for use on fixed offshore facilities and publish the list of approved equipment in the Federal Register and COMDTINST M16714.3 (Series), Equipment List, in accordance with 33 CFR 140.15(b). The Coast Guard shall also notify the MMS of any newly approved equipment and provide training as needed.

Q. Does the Coast Guard retain the responsibility of prescribing rules governing employment citizenship requirements on offshore facilities as specified in 33 CFR 141?

A. Yes. The Coast Guard shall retain this responsibility. Since the citizenship requirements apply to fixed platforms, MMS inspectors shall be aware of and contact the local Officer in Charge, Marine Inspection (OCMI) if they suspect that foreign workers are illegally employed on any OCS facility or vessel. OCS facilities with foreign nationals working on board must be in possession of a valid exemption letter issued from COMDT (G-MOC-2).

Q. Does the Coast Guard retain the responsibility of reviewing and approving Emergency Evacuation Plans (EEPs) for OCS facilities?

A. Yes. The Coast Guard reviews and approves EEPs in accordance with 33 CFR 146.140. During their inspection of fixed platforms, MMS inspectors shall ensure compliance with the EEP requirements.

  
J. D. SARUBBI  
By direction

Encl: (1) Initial Inspections of Fixed OCS Platforms

Dist: CG LANTAREA (Am)  
CG PACAREA (Pm)  
All Districts (m)  
All Activities  
All Marine Safety Offices  
All Marine Safety Units

## Initial Inspections of Fixed OCS Platforms

